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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,179	01/08/2001	Dennis Boyle	PA1443US	8137
22830	7590	02/17/2006	EXAMINER	
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			SELBY, GEVELL V	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/757,179		BOYLE ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Gevell Selby		2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/1/05 has been entered.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-15, 18-20, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe et al, US 6,686,958.**

In regard to claim 1, Watanabe et al, US 6,686,958, discloses a machine-readable medium (see figure 10, element 70) comprising:

an image management program (see column 9, lines 40-45), the program being executable by an portable electronic device coupled to an image capture device to perform method steps for capturing, controlling and managing an image (see column 7, lines 1-29), comprising:

receiving an image from the image capture device coupled to the portable electronic device (see column 9, lines 45-47);

managing the display of the image on a display screen constituent to the portable electronic device (see column 9, lines 52-54).

managing the display of a graphical user interface on the display screen, the user interface comprising at least one interactive icon, interactive icon being capable of executing a routine within the program upon activation of said icon by a user (see figures 3 and 4 and column 7, lines 1-23).

In regard to claim 2, Watanabe et al, US 6,686,958, discloses the machine-readable medium of claim 1, comprising controlling one or more operational modes of the image capture device (see column 9, lines 40-54: two modes: image capture and image transfer).

In regard to claim 3, Watanabe et al, US 6,686,958, discloses the machine-readable medium of claim 1, comprising transmitting said image from said portable electronic device to a remote device (see column 9, lines 49-52).

In regard to claim 4, Watanabe et al, US 6,686,958, discloses the machine-readable medium of claim 1, wherein said program is transferred from the image capture device to the electronic device for execution (see column 10, lines 1-7).

In regard to claim 5 - 6, Watanabe et al, US 6,686,958, discloses the system of claim 1, wherein the program is transferred from a FIFO memory to the portable electronic device for execution (see column 9, lines 49).

The Watanabe reference does not disclose that the FIFO Memory is a magnetic or optical medium.

The Official Notice taken in the previous office action stating that is well known in the art that magnetic and optical mediums are used in ROMs, in order to be non-volatile storage to save the program when the camera is turned off is taken as prior art. Since the applicant has not timely traversed the old and well known statement, the above is now considered admitted prior art. See MPEP 2144.03 (c).

It would have been obvious to a person skilled in the art, at the time of invention, to have been motivated to modify Watanabe et al, US 6,686,958, to have the program transferred from a magnetic medium or optical medium to the portable electronic device, in order to execute the program on the electronic device.

In regard to claim 7, Watanabe et al, US 6,686,958, discloses the machine-readable medium of claim 1, wherein said portable electronic device is a wireless device (see figure 1, element 10 and column 4, lines 34-36: the computer has a wireless interface, infrared communication port 10).

In regard to claim 8, Watanabe et al, US 6,686,958, discloses a system for capturing and managing images, comprising:

an portable electronic device (see figure 10, element 2a), further comprising:

a processor (see figure 10, element 43),

a display (see figure 10, element 45), for selectively displaying text, functional icons, and one or more live or stored images (see figures 4 and 5 and column 9, lines 52-54), and

a memory (see figure 10, element 46), for storing said images (see column 9, lines 60-62);

an image capture device (see figure 10, element 1a) removably attached to said electronic device (see column 4, lines 25-27); and

an image management engine loaded into said memory (see column 9, lines 40-45), the image management engine is capable of implementing a plurality of functions for capturing (see column 9, lines 40-50), managing (see column 7, lines 1-29), and viewing said images (see column 9, lines 52-54), the plurality of functions selectable from said functional icons presented on said display (see figures 4 and 5 and column 7, lines 1-29).

In regard to claim 9, Watanabe et al, US 6,686,958, discloses the system of claim 8, wherein said electronic device further comprises a transmission source (see figure 10, element 59) for transmitting image data from said electronic device to a remote device (see column 9, lines 49-52).

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In regard to claims 10, Watanabe et al, US 6,686,958, discloses the system of claim 9, wherein said transmission source is wireless (see column 4, lines 34-35: infrared communication port 10).

In regard to claims 11, Watanabe et al, US 6,686,958, discloses the system of claim 10, wherein said transmission source is infrared (see column 4, lines 34-35: infrared communication port 10).

In regard to claim 12, Watanabe et al, US 6,686,958, discloses the system of claim 8 wherein said image capture device is a digital camera (see column 9, lines 45-47).

In regard to claim 13 - 14, Watanabe et al, US 6,686,958, discloses the system of claim 8. The Watanabe reference discloses wherein the program is transferred from a FIFO buffer to the portable electronic device for execution (see column 9, lines 49-52).

The Watanabe reference does not disclose that the FIFO buffer is a magnetic or optical medium.

The Official Notice taken in the previous office action stating that is well known in the art that magnetic and optical mediums are used is ROMs, in order to be non-volatile storage to save the program when the camera is turned off is taken as prior art. Since the applicant has not timely traversed the old and well known statement, the above is now considered admitted prior art. See MPEP 2144.03 (c).

It would have been obvious to a person skilled in the art, at the time of invention, to have been motivated to modify Watanabe et al, US 6,686,958, to have the program

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transferred from a magnetic medium or optical medium to the portable electronic device, in order to execute the program on the electronic device.

In regard to claim 15, Watanabe et al, US 6,686,958, discloses the system of claim 8, wherein said image capture device comprises an internal memory (see figure 10, element 57).

In regard to claim 18, Watanabe et al, US 6,686,958, discloses the system of claim 8 wherein said image management engine presents one or more graphical user interface icons on said display of said electronic device to facilitate management of images (see figures 4 and 5).

In regard to claim 19, Watanabe et al, US 6,686,958, discloses a method for managing live images on an electronic device, comprising:

- providing a display for viewing said images on said portable electronic device (see column 9, lines 52-54);

- providing a camera for capturing said images (see column 9, lines 40-49);

and

- providing one or more image control functions (see column 9, lines 40-45) that execute an image management engine on said portable electronic device by selecting an icon presented on said display and the icon representing said image control program (see figures 4 and 5 and column 7, lines 1-29).

In regard to claim 20, Watanabe et al, US 6,686,958, discloses the method of claim 19 further comprising the step of providing a memory (see figure 10, element 46)



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within said portable electronic device to store said image after capturing (see column 9, lines 61-63).

In regard to claim 24, Watanabe et al, US 6,686,958, discloses the method of claim 19 further comprising the step of providing a transmission source for transmitting selected image data to a remote device after capturing (see column 9, line 49-52).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al, US 6,686,958, in view of Raney, US 5,581,299.**

In regard to claim 16, Watanabe et al, US 6,686,958, discloses the system of claim 15. The Watanabe reference does not disclose wherein said image management engine is pre-loaded in said internal memory of said image capture device.

Raney, US 5,581,299, discloses a system for capturing and managing images, comprising a camera with an internal memory, wherein the image management engine is pre-loaded in said internal memory of said image capture device and its communication program auto senses when it is connected to an external device and uploads itself, the graphics program, and any images to the device (see figure 7, abstract and column 2, lines 40-50).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Watanabe et al, US 6,686,958, in view of Raney, US 5,581,299, wherein said image management engine is pre-loaded in said internal memory of said image capture device, in order to be able to connect the camera to any external device without have to have the programs already installed, creating greater portability.

In regard to claim 17, Watanabe et al, US 6,686,958, in view of Raney, US 5,581,299, discloses the machine-readable medium of claim 16. The Raney reference discloses wherein said image management engine is automatically downloaded and stored in said memory of said portable electronic device upon attachment of said image capture device to said portable electronic device (see abstract and column 2, lines 40-50).

**7. Claims 21 - 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al, US 6,686,958, and in view of Wakabayashi et al., US 5,097,285.**

In regard to claims 21, 22, and 23, Watanabe et al, US 6,686,958, discloses the method of claim 19. The Watanabe reference does not disclose that the image is captured by said camera by programming an automatic timer to capture said image within a user-specified time and to capture a user-specified number of images at a user-specified time interval.

Wakabayashi et al., US 5,097,285, discloses a camera with a self-timer (see column 1, lines 26-28). In self-timer mode the user can specify the number of pictures to be taken when the timer expires by pressing the timer button that number of times (see column 3, lines 1-7). The user can specify whether they want the time of the second and

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following pictures to be longer than the time of the first picture (see column 3, lines 7-13).

It would have been obvious to a person skilled in the art, at the time of invention, to have been motivated to modify Watanabe et al, US 6,686,958, in view of Wakabayashi et al., US 5,097,285, to have a self timer mode wherein the image is captured by said camera by programming an automatic timer to capture said image within a user-specified time and to capture a user-specified number of images at a user-specified time interval, in order to have time to move from the camera to the position to be photographed as taught by Wakabayashi (see column 3, lines 10-12).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs

A handwritten signature in cursive script, appearing to read 'Lin Ye'.

Lin Ye  
Examiner

Technology Division 2622